IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5876 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KANTIBHAI I PATEL - Petitioner(s)

Versus

DISTRICT SUPDT OF POLICE & 2 - Respondent(s)

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Appearance :

MR YN OZA for Petitioner(s) : 1,
MR LB DABHI, AGP for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 03/02/2006

ORAL JUDGMENT

1. The petitioner has filed this petition under Article 226 of the Constitution of India,

praying for quashing and setting aside the order of suspension dated 15.8.1988.

2. The petition was admitted on 4.5.1989. However, interim relief was not granted by the Court. The petition was, thereafter, referred to the Lokadalat and the Lokadalat vide its order dated 31.10.2001 has observed that the petitioner vide impugned order dated 15.8.1988 has been placed under suspension on account of a criminal offence having been registered against him at Madhavpura Police Station of City of Ahmedabad as CR No.I-254 of 1988 for alleged commission of offence punishable under Sections 142, 147, 323, 32 and 504 of the I.P.C. The Lokadalat has observed that when the matter was called out neither the petitioner nor his advocate was present. The Lokadalat has observed that looking to the facts of the case, it appears that by efflux of

time, the petition has now become infructuous. However, with a view to pass appropriate judicial order, the matter was directed to be placed before the Regular Bench.

3. It is in the above background of the matter, the present petition is placed for hearing before this Court. Since the order of suspension passed on 15.8.1988 is not stayed by this Court and the said order has been acted upon, it is not just and proper to interfere with the said order after the lapse of about 17 years. The Lokadalat has rightly observed that the petition has now become infructuous. The Court, therefore, dismisses this petition on the ground that it has become infructuous by afflux of time. The petition is accordingly dismissed. Rule is discharged without any order as to costs.

(K. A. PUJ, J.)

kks